



R. Saltie

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, NEW YORK 10278

DATE: SEP 30 1993

SUBJECT: Request for a Ceiling Increase and Confirmation of On-Scene Coordinator's Authority for the Pacific Vegetable Oil International Site, Boonton, Morris County, New Jersey - ACTION MEMORANDUM

FROM: Bonita L. Green, On-Scene Coordinator *Bonita Green (for)*
Response and Prevention Branch

TO: William J. Muszynski, P.E.
Acting Regional Administrator

THRU: George Pavlou, Acting Director *GP*
Emergency and Remedial Response Division

SITE ID NO.: CB

I. PURPOSE

The purpose of this Action Memorandum is to request a ceiling increase, confirm the On-Scene Coordinator (OSC) \$50,000 authority and document approval of the proposed site stabilization described herein for the Pacific Vegetable Oil International Inc. site (PVO), 416 Division Street, Boonton, Morris County, New Jersey.

On August 13, 1993, Mr. Christopher Gibbons of the Division of Responsible Party Site Remediation, Bureau of Emergency Response of the State of New Jersey Department of Environmental Protection and Energy (NJDEPE) requested that the U.S. Environmental Protection Agency (EPA) undertake a removal action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as amended, 42 U.S.C. 9601 et seq.

On August 13, 1993, Mr. Dilshad Perera, OSC used the \$50,000 OSC authority to initiate 24 hour site security. This Action Memorandum is to continue site security and stabilize the site should the potentially responsible party (PRP) fail to do so. The total proposed project ceiling for this site is \$348,000, of which \$216,000 is for mitigation contracting.

The site is not on the National Priorities List (NPL) and there are no nationally significant or precedent-setting issues associated with this site.

II. SITE CONDITIONS AND BACKGROUND

A. Site Description

1. Removal Site Evaluation

On August 13 & 23, 1993, preliminary assessments conducted by the EPA confirmed that the site meets the criteria for a removal action site. The site was left unsecured approximately 1 year ago with several thousand containers left on site. Upon EPA's initial arrival it was observed that the site was not secured. There were several openings in the fence, with many doors and windows left open. The site assessments confirmed that there were several thousand containers abandoned at the site with many containing hazardous substances as defined by CERCLA and the Resource Conservation and Recovery Act (RCRA). Many of the containers are stored improperly with incompatibles stored together. Numerous containers are in poor condition and leaking their contents onto the building floors.

The initial preliminary assessment was performed by EPA on August 13, 1993, as a result of a referral from the NJDEPE. It was revealed that the site had periodic breakins by local teenagers. Earlier that day, the NJDEPE received notification from a concerned parent who claimed that their son had received burns from an acid container that he retrieved from the site. The assessment confirmed the presence of these chemicals.

The site consists of 5 main buildings, several of which contain large quantities of materials. There is also an open field on the site that contains approximately 20 fifty-five gallon drums in poor condition. There are two laboratories with large quantities of small containers, some of which are labeled flammable, peroxide and corrosive. These containers are haphazardly stored irrespective of product labels with incompatible materials stored together. There was evidence of tampering and vandalism in the labs with several broken containers on the floor, and staining on the floor.

There were several hundred unlabeled 55 gallon drums stored throughout the main building and a tanker truck stored in one of the bays. The tanker truck is estimated to contain several thousand gallons, appears to be full, and is labelled as "waste" material.

This site has been monitored by the NJDEPE since 1985 under the Environmental Cleanup and Responsibility Act (ECRA) for contamination on the site from the manufacturing processes. Several monitoring wells and soil borings have been excavated on the site and based on analytical results, have confirmed the presence of contaminants in the soil and groundwater. The PRPs have submitted a cleanup plan to the NJDEPE and propose to cleanup the soil and groundwater under their direction. No actions have been taken to assess the interiors of the buildings.

2. Physical Location

The PVO site is located at 416 Division Street, in an industrial section of Boonton, Morris County, NJ. There are several businesses and industries adjacent to the property. The closest residential neighborhood is less than a quarter of a mile from the site.

3. Site Characteristics

The PVO site dates back to 1917 when it was owned and operated by E.F. Drew and Company and later Drew Chemical Corp., which manufactured fats, oils, fatty acid derivatives, water treatment chemicals and industrial cleaners until 1971. PVO purchased the property in 1971 and continued with the manufacturing of the fats, oils, and fatty acid derivatives but did not continue to produce the other types of materials.

In early 1980, all manufacturing operations ceased and the site was only used for storage. Materials on the site consist of flammable liquids, flammable solids, and corrosives, among other types of hazardous substances. The site was abandoned at the time of the site evaluation and is currently in Chapter 7 bankruptcy.

4. Release or Threatened Release Into the Environment of a Hazardous Substance, Pollutant or Contaminant

A significant threat of release of hazardous substances exists at the PVO site. Several thousand containers of various sizes are present at the facility and many of them are leaking.

EPA conducted a partial inventory of chemicals on the site and based on information obtained from container labels and site inventories the following hazardous substances have been tentatively identified at the facility:

Types of Hazardous Substances Present

<u>Compound</u>	<u>Statutory Source of Designation of Hazardous Substances</u>
Waste flammable liquid	RCRA Section 3001
Waste flammable solid	RCRA Section 3001
Butanol	CWA 311 (b)(4)
Chloroform	CWA 311 (b)(4), CWA 307 (a), RCRA Section 3001
Xylene	RCRA Section 3001

These substances are acutely toxic, chronically toxic, corrosive, reactive poisonous, and/or acutely flammable.

In addition, there are acids present at the site as evidenced by the child who received acid burns from materials at this site.

The potential health effects from the above listed hazardous substances are identified in the following chart:

SUMMARY OF POTENTIAL TOXICOLOGICAL EFFECTS OF SELECTED COMPOUNDS

		Eye, skin, or respiratory system irritant	Toxic by inhalation, ingestion, or Dermal Contact	Central Nervous System Damage	Respiratory System Damage	Kidney damage	Liver damage	CVS Damage
Waste, Fl. Liquid		X		X				
Waste, Fl. Solid		X		X				
Chloroform		X	X		X	X	X	
Butanol	X	X						
Xylene	X	X	X		X	X		

Although most containers on-site are clearly identified, markings and labels on some of the containers have either been removed, were never put on, or are illegible. These containers will be treated as unknown substances.

A release due to a fire in one of the buildings is a route for potential human exposure. The site inspections by EPA found that the drums and containers are haphazardly stored irrespective of their condition or the compatibility of their contents. Many of the containers are deteriorating and have released their contents onto the floors. Many of the materials identified are corrosive and/or acutely toxic. Some of these materials are potentially unstable when stored under the present conditions.

5. NPL Status

The PVO site has not been proposed for listing on the National Priorities List.

B. Other Actions to Date

1. Previous Actions

PVO has been under an ECRA order with the NJDEPE since 1985 in order to clean-up the soil and groundwater contamination. Litigation has occurred between the PRPs of this site and the outcome of the lawsuit is that they must share responsibility for the cleanup of the property.

2. Current Actions

On August 13, 1993, the EPA responded to the site and using the OSC authority initiated 24 hour site security, which is still in place. EPA has met with PVO and Drew Chemical Corp. representatives and they have indicated a willingness to conduct the removal under a CERCLA Consent Order. However, if negotiations fail and/or site conditions worsen, EPA may need to initiate immediate stabilization activities.

C. State and Local Authorities' Role

1. State and Local Actions to Date

As stated previously, PVO has been under the directive from the NJDEPE to cleanup the groundwater and soil contamination on the site. However, the removal of the containers were not part of the directive.

On August 13, 1993, the NJDEPE requested that the EPA undertake a removal action. To date, local authorities have not had any involvement in site activities.

2. Potential for Continued State/Local Response

Neither NJDEPE or the Township of Boonton have the resources currently available to perform the necessary site stabilization activity at this site. Thus, these entities will act in a support role.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

A. Threats to Public Health or Welfare

The primary threat posed by the abandoned drums, and other containers, is that of exposure through direct human contact, fire, or explosion. A threat for vapor exposure caused by the reaction of the hazardous substances also exists, which could occur as a result of improper storage as noted in our preliminary assessment.

Several thousand people reside within one half mile of the site and several thousand people work in industries directly adjacent to the site. There has already been an incident of tampering with the chemicals on this site, which resulted in burns. There is also evidence of vandalism inside the main building. The two site inspections in August 1993, found many of the drums and containers to be in a deteriorated condition and in need of stabilization. Most of the materials identified are flammable, while others are reactive and/or acutely toxic.

B. Threats to the Environment

There is a potential for a release from the drums inside the building into the environment. Many of the containers have been broken open and released their contents onto the building floors. There are no secondary containment structures surrounding any of the drums or the tanker truck on the site.

Runoff from any fire that could occur at the site could enter the storm sewers which discharges into the Jersey City Reservoir, which is currently being used as a source of drinking water for Hudson County residents.

IV. ENDANGERMENT DETERMINATION

Actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response action selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, or welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed Action Description

The objectives of this project is: 1) to reduce the actual or potential threat to public health and welfare; and 2) to immediately mitigate the actual or potential threat of fire, explosion, or release of hazardous substances into the environment in accordance with Section 300.65 of the National Contingency Plan (NCP).

The objective will be achieved by performing the following tasks:

1) Securing Drums and Containers:

Any leaking or unsecured drums or containers will be over-packed as necessary. All materials will be restaged in a secure area.

2) Segregation and Sampling:

Materials will be segregated by existing identification labels, site inventories and by sampling and analysis to insure proper segregation of incompatible materials.

2. Contribution to Remedial Performance

Although this site is not on the NPL and no long-term remedial action is currently planned, the actions taken to date and those planned in this Action Memorandum are consistent with the requirements of Section 104(a)(2) of CERCLA.

3. Applicable or Relevant and Appropriate Requirements

This site will comply with all federal and state regulations pertaining to site safety and proper disposal of hazardous substances, which are deemed practicable.

4. Project Schedule

The project can be initiated within one week of approval of the request for fund authorization. Segregation, sampling, over-packing, and securing of drums and containers can occur thereafter.

B. Estimated Costs

A summary of the estimated costs for the proposed stabilization activity are presented below:

Extramural Costs:

<u>Regional Allowance Costs:</u>	<u>Current</u>	<u>Proposed</u>
a. Labor: including mobilization/demobilization, sampling, segregation, staging and overpacking.	\$ 0	\$ 100,000
b. Equipment	\$ 0	\$ 20,000
c. Materials and field purchases	\$ 0	\$ 20,000
d. Site security	\$ 40,000	\$ 40,000
SUBTOTAL	\$ 40,000	\$ 180,000
20% Contingency	0	\$ 36,000
SUBTOTAL (Contract Mitigation Costs)	\$ 40,000	\$ 216,000

Other Extramural Costs Not Funded from the Regional Allowance

Total TAT Costs, including multiplier costs	\$ 5,000	\$ 60,000
Extramural Costs Contingency (20%)	\$ 0	\$ 12,000
Subtotal, Extramural Costs	\$ 5,000	\$ 72,000
TOTAL, EXTRAMURAL COSTS	\$ 45,000	\$ 288,000

Intramural Costs:

Intramural Direct Costs	\$ 5,000	\$ 50,000
Intramural Indirect Costs	\$ 0	\$ 10,000
TOTAL, INTRAMURAL COSTS	\$ 5,000	\$ 60,000
TOTAL, REMOVAL PROJECT CEILING	\$ 50,000	\$ 348,000

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED NOT TAKEN

Delayed action in securing and stabilizing this site will extend the period of time that nearby residents are exposed to the threats presented by the conditions on the site. There is also the continuing threat of vandalism and arson at the site. Young people trespassing and attempting to enter the site have been turned away by the security guard service and local police. Conditions noted during EPA's site investigations, such as drums and containers leaking and bulging, will continue to cause potential public exposure. A delayed response action will extend the period of time the hazardous substances on-site will pose a threat to nearby residents and require the guard service to maintain security.

VII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues known to exist.

VIII. ENFORCEMENT

On August 24, 1993, EPA met with representatives of PVO, the current owner of the Site property, and Drew Chemical Corp., a previous owner, to discuss conditions at the Site and the proposed removal action. EPA was informed that PVO had filed bankruptcy under Chapter 11 of the Bankruptcy Reform Act of 1978, 11 U.S.C. §101 et seq. in 1993. Although PVO expressed an interest in performing the proposed removal action, funding is a problem due to PVO's bankrupt status. On September 27, 1993, a bankruptcy hearing was scheduled to determine the availability of funding. To date, EPA has not been notified as to whether or not PVO is interested in negotiating an Administrative Order on Consent with EPA.

IX. RECOMMENDATION

This decision document represents the securing and stabilization activity proposed for the PVO site, 416 Division Street, Boonton, New Jersey, developed in accordance with CERCLA as amended by SARA, and is consistent with the NCP. This decision is based on the Administrative Record for the site.

This Action Memorandum will also confirm the use of the OSC \$50,000 authority by Mr. Dilshad Perera on August 13, 1993.

Conditions at the site meet the NCP Section 300.415 (b) (2) criteria for a removal action site. I recommend your approval for the proposed site stabilization activity. The total project ceiling, if approved, will be \$348,000, with a mitigation ceiling of \$216,000. The funding for the mitigation ceiling will come from the Regional Advice of Allowance.

Please indicate your approval of the funding for the PVO site pursuant to your authority delegated by Assistant Administrator J. Winston Porter, May 25, 1988, Redelelegation Memorandum, Delegation Number R-14-1-A and R-14-3.

Approved: for K Callahan

William J. Muszynski, P.E.
Acting Regional Administrator

Date: 9/30/93

Disapproved: _____

Date: _____

William J. Muszynski, P.E.
Acting Regional Administrator

cc: (after approval is obtained)

K. Callahan, 2DRA
G. Pavlou, 2ERRD
W. Muszynski, 2RA
R. Salkie, 2ERR-ADREPP
B. Sprague, 2ERR-RPB
G. Zachos, 2ERR-RAB
J. Daloia, 2ERR-RPB
D. Karlen, 2ORC-NJSUP
J. Frisco, 2ERR-DDNJ
J. Marshall, 2EPD
R. Gherardi, 2OPM-FIN
S. Becker, 2ERR-PS
D. Triggs, NJDEPE
C. Moyik, 2ERR-PS
T. Grier, OS-210
J. Rosianski, 2EPD
C. Kelley, TATL
P. McKechnie, 2IG

Control Act, Resource Conservation and Recovery Act, Clean Air Act, Safe Drinking Water Act, Occupational Safety and Health Act and Hazardous Materials Transportation Act.

7. Project schedule

Weather permitting, the removal action at the Philmar Electronics Site will begin immediately upon approval of this Action Memorandum. The anticipated duration of on-site activity is approximately six (6) months, however, due to potential disposal scheduling problems, portions of the activity may occur at discontinuous intervals and may extend beyond the estimated six (6) month time frame.

B. Estimated Costs

The estimated costs for the completion of this project are summarized below. A detailed cost estimate is included in Appendix B.

	(1) CURRENT CEILING	(2) COSTS FOR THIS ACTION	(1)+(2) NEW PROPOSED CEILING
EXTRAMURAL COSTS			
ERCS Cleanup Contractor	\$191,072	\$1,004,895	\$1,195,967
10% Contingency	\$ 19,107	\$ 100,489	\$ 119,596
TOTAL-Mitigation Contracting	\$210,179	\$1,105,384	\$1,315,563
TAT Costs	\$ 42,600	\$ 103,500	\$ 146,100
15% of all Extramural Costs	\$ 37,917	\$ 181,332	\$ 219,249
TOTAL-Extramural Costs	\$290,696	\$1,390,216	\$1,680,912
<u>INTRAMURAL COSTS</u>			
Direct Labor (EPA Region & HQ)	\$ 19,800	\$ 49,500	\$ 69,300
Indirect costs	\$ 60,000	\$ 150,000	\$ 210,000
Total-Intramural Costs	\$ 79,800	\$ 199,500	\$ 279,300

CURRENT PROJECT \$ 370,000
CEILING (ROUNDED)

PROPOSED PROJECT \$1,600,000
CEILING (ROUNDED)

PROJECT CEILING \$1,960,000
(ROUNDED)

**VII. EXPECTED CHANGE IN THE SITUATION SHOULD NO ACTION BE TAKEN
OR ACTION DELAYED**

Failure to take action at the Philmar Electronics Site would result in the continued leaching of contaminated material from the deteriorated buried drums to soil, groundwater and surface water in the area.

VIII. OUTSTANDING POLICY ISSUES

None.

IX. ENFORCEMENT

Based upon title searches and information gathered by EPA and NYSDEC, EPA has identified four PRPs at the Philmar Electronics Site, John Rickson, Craig Rickson, Philmar Electronics, Inc., and the United States Air Force.

X. RECOMMENDATION

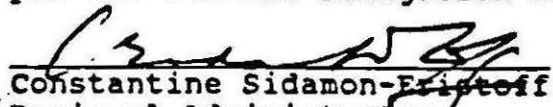
This decision document represents the selected removal action for the Philmar Electronics Site, in Morrisonville, Clinton County, New York, developed in accordance with CERCLA, as amended, and not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal action and I recommend your approval of this proposed removal action. This request is for \$1,600,000, of which \$1,105,000 will be funded from the Regional removal allowance. This raises the estimated new project ceiling at the

Philmar Electronics Site to \$1,960,000 of which \$1,315,563 is for mitigation contracting. There are sufficient monies in our current Advice of Allowance to fund this project.

Your signature indicates approval of the 12-month exemption and an increase in the project ceiling to \$1,960,000 for the Philmar Site, as per the current Delegation of Authority.

Approval


Constantine Sidamon-Eristoff
Regional Administrator

Date

9/9/9✓

Disapproval

Constantine Sidamon-Eristoff
Regional Administrator

Date

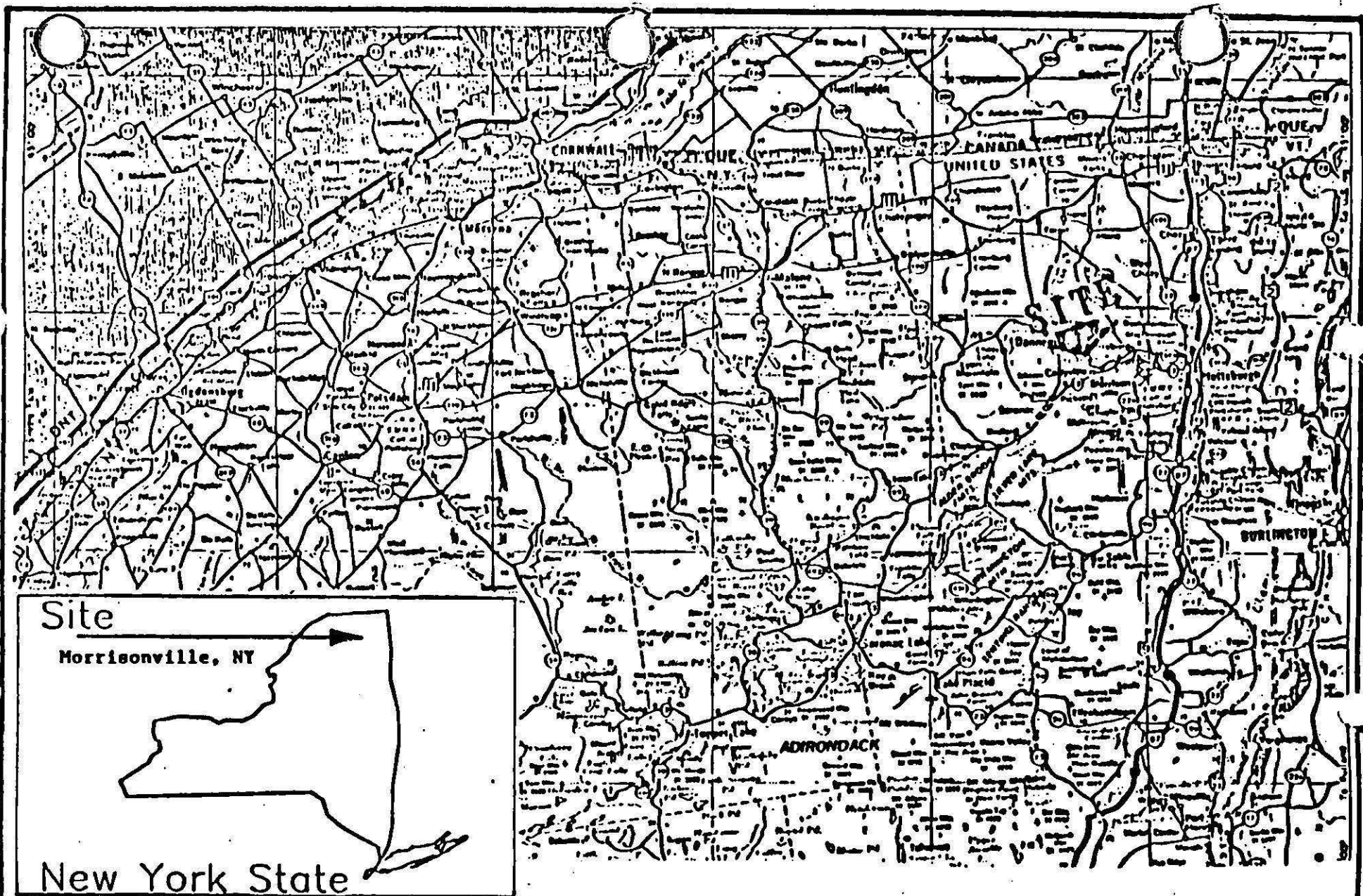
cc: (After approval is obtained)

W. Muszynski, DRA
K. Callahan, ERRD-D
R. Salkie, ERRD-ADREPP
W. McCabe, ERRD-DDNY/CP
G. Zachos, ERRD-RAB
J. Rotola, ERRD-RABSB
E. Schaaf, ORC-NYCSUP
J. Marshall, OEP
R. Gherardi, OPM-FIN
C. Moyik, ERRD-PS
M. Mjoness, OS-210
D. Johnson, OPM-FAM
D. Dietrich, OS-210
R. Hargrove, OPM-EI
C. Goddard, NYSDEC
T. Vickerson, NYSDEC
C. Kelly, TATL

**PHILMAR ELECTRONICS SITE
MORRISONVILLE, CLINTON COUNTY, NEW YORK**

Site Maps

Appendix A



WESTON

SPILL PREVENTION &
EMERGENCY RESPONSE DIVISION

In Association with HCF Technology Inc., C.C. Johnson & Associates, Inc., Resource Applications, Inc., Geo/Resource Consultants, Inc., and Environmental Technology International, Inc.

EPA PM

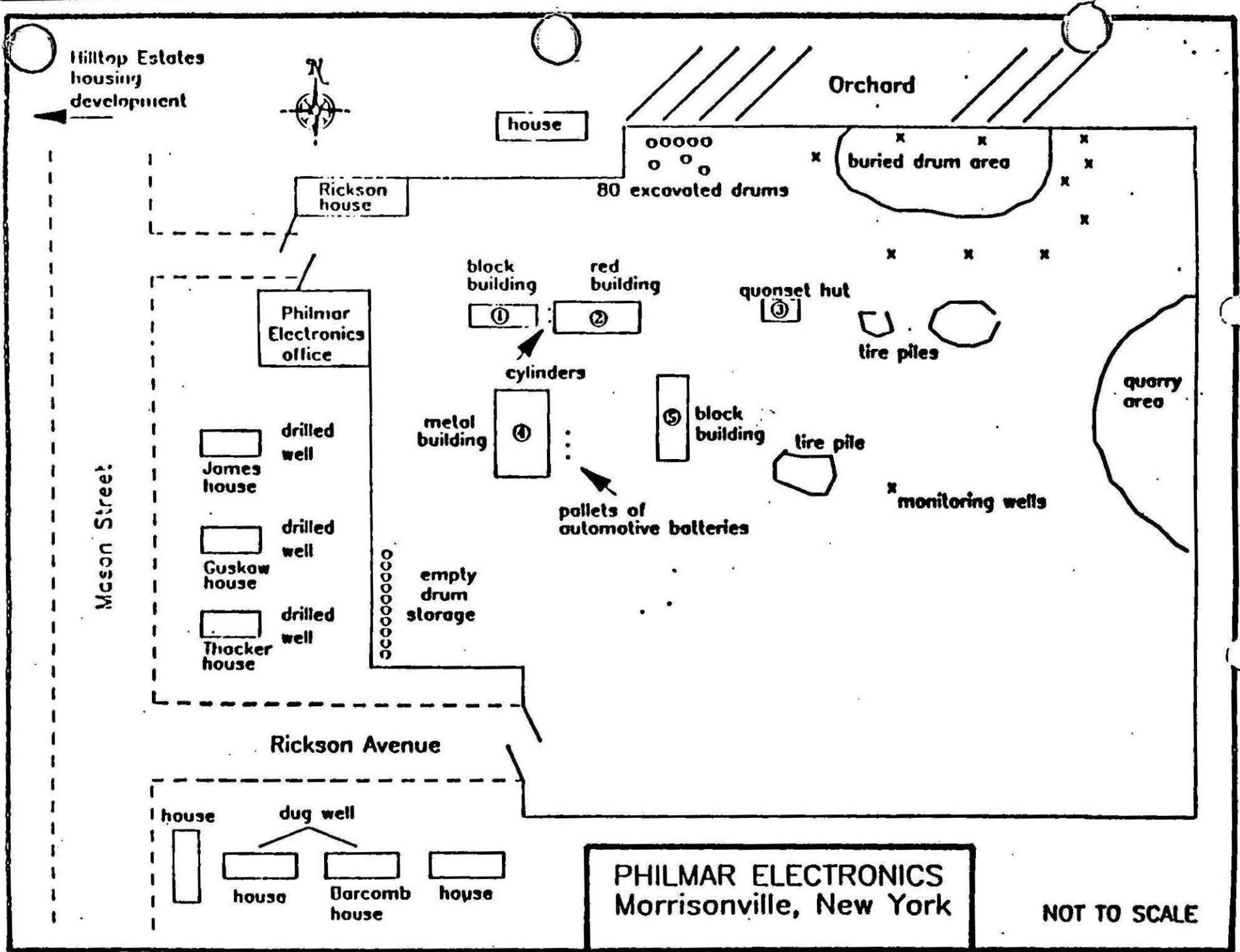
L. DiGuardia

TAT PM

D. Graham

Figure 1

Philmar Electronics
Site Location Map

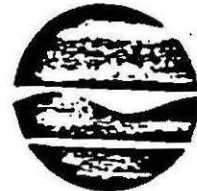


**PHILMAR ELECTRONICS SITE
MORRISONVILLE, CLINTON COUNTY, NEW YORK**

Removal Request

Appendix C

New York State Department of Environmental Conservation
Wolf Road, Albany, New York 12233 7010



Thomas C. Jorling
Commissioner

Mr. Stephen Luftig
Director
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
26 Federal Plaza
New York, New York 10278

Dear Mr. Luftig:

Re: Philmar Electronics Inc.
Morrisonville, New York
Site Code 510008

The New York State Department of Environmental Conservation had been working with the owner of Philmar Electronics Inc., and guiding him in a cleanup effort of hazardous waste at this site. However, several months ago, the financial resources of the company were exhausted and work stopped. Since that time, we have been pursuing the U.S. Air Force as a responsible party. The limited data we have gathered, in our opinion, certainly identifies the Air Force as a PRP. However, recently we received a response from them denying any involvement.

Concurrent with this effort, we have been discussing and sharing information on this problem with your Response and Prevention Branch and legal staff. Mr. Douglas Kodama and Ms. Mariam Gordon are the individuals on your staff most familiar with our efforts and already have some pertinent documents involving this problem on file. A complete set of documents is being sent under separate cover to Mr. Kodama.

We are asking for assistance under the USEPA removal action program using Federal Superfund money. The New York State Department of Environmental Conservation has the authority but does not have the capability to respond. The State does not at this time have emergency contracts in place for this type of work, or any other standing agreements with any contractors that would allow a response to be implemented in a timely manner. In addition, we are asking for legal and enforcement assistance in dealing with the U.S. Air Force.

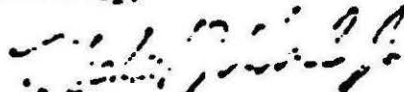
Mr. Stephen Luftig

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It is our understanding that under Section 104 of CERCLA, as amended by SARA, the President of the United States may respond to any release or threat of release of a hazardous substance, if in the President's discretion it constitutes a public health threat or environmental emergency, and no other persons with authority and capability to respond will do so in a timely manner. In consideration of the circumstances which your staff is aware of, we are requesting an appropriate response from the Environmental Protection Agency under the removal action program.

If you have any questions, please contact Mr. Alan Rockmore of my staff at (518) 457-9280.

Sincerely,



Michael J. O'Toole, Jr., P.E.

Director

Division of Hazardous Waste Remediation

cc: Bruce Sprague - USEPA, Edison, NJ
Douglas Kodama - USEPA, Edison, NJ ✓
Marion Gordon - USEPA, Region II